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*Attorneys for the Debtor*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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In re:	:	Bankruptcy Case No. 20-25049
JAMES DOYLE, an individual	:	Chapter 11
Debtor.	:	Honorable: William T. Thurman

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**DEBTOR'S MOTION TO APPROVE SALE OF REAL PROPERTY**

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James Doyle ("Doyle" and/or "Debtor"), Debtor in the above-captioned bankruptcy case, hereby moves the Court under 11 U.S.C. 363(b) and Bankruptcy Rule 6004 for an order approving the sale of 53.28 acres of land located north of the city limits of St. George, Washington County, Utah (hereinafter "Property"), more particularly described and identified in that certain appraisal attached hereto as Exhibit A, to the United States of America, Bureau of Land Management for the price of \$3,800,000. In support of this motion Doyle respectfully represents as follows:

**STATEMENT OF FACTS**

- A. On August 19, 2020, James Doyle filed a voluntary petition under Chapter 11 of the Bankruptcy Code.
- B. The Debtor's primary asset in this bankruptcy case is 266.42 acres of real property located in Washington County, Utah.

- C. The Debtor's real property is located within the 62,000 acre Red Cliffs Desert Reserve, which was established in 1996 to protect the federally threatened Mojave desert tortoise.
- D. The Bureau of Land Management desires to acquire 53.28 acres of the Debtor's property, pursuant to the appraisal attached hereto as Exhibit A.
- E. The Bureau of Land Management hired CBRE to prepare an appraisal of the Property to estimate the acreage required to equal the value of \$3,800,000 of available government funds to purchase property from the Debtor.
- F. The appraisal of property acquired by the United States federal government is governed by The Uniform Appraisal Standards for Federal Land Acquisitions 2016, Section 4.3.4.1.
- G. The appraisal and acquisition of land located In Washington County, Utah must apply Pub. L. No. 104-333 section 309(f).
- H. The Debtor has received a copy of the appraisal prepared by CBRE and has accepted the valuation set forth in that appraisal.
- I. The Debtor desires to sell 53.28 acres to the United State of America for \$3,800,000, subject to Bankruptcy Court approval in the above-captioned and pending Chapter 11 bankruptcy case.
- J. The appraisal prepared by CBRE establishes a value of \$71,316.00 per acre for the proposed sale to the United State of America.

**TERMS OF PROPOSED SALE**

- K. Identification of Purchaser. The purchaser is the United States of America, Bureau of Land Management.
- L. Property to be Sold. Any and all interest the Debtor has in 53.28 acres of real property located in the Red Cliffs Desert Reserve and more particularly described in the appraisal attached hereto as Exhibit A.
- M. Purchase Price. \$3,800,000 to be paid to the Debtor as follows:
- a. \$3,800,000 to be wired to Kirton McConkie's client trust account at the closing of the sale of the Property and to be distributed by Kirton McConkie, on behalf of the Debtor, pursuant to a separate motion to approve disbursement.
- N. Arms Length. The Agreement has been negotiated at arms length and in good faith by the Debtor and the United States of America, Bureau of Land Management and consistent with the laws of the United States of America governing Federal Land Acquisitions. Mr. Doyle reasonably believes and therefore alleges that the United States of America, Bureau of Land Management is a good faith purchaser within the meaning of 11 U.S.C. Section 363(m) and that the sale price is not and will not be controlled by an agreement prohibited by 11 U.S.C. 363(n).
- L. The Property is being sold as is, where is.
- M. The Property is being sold free and clear of liens, with liens to attach to the proceeds of the sale and said liens to be paid from the proceeds of the sale pursuant to a separate motion filed contemporaneously herewith.

WHEREFORE, the Trustee requests that the Court enter an order granting the relief requested herein.

DATED this 17<sup>th</sup> day of August, 2021.

KIRTON McCONKIE

By: \_\_\_\_\_/s/  
Jeremy C. Sink

Counsel for the Debtor

**CERTIFICATE OF SERVICE – BY NOTICE OF ELECTRONIC FILING (CM/ECF)**

I hereby certify that on August 17, 2021, I electronically filed the foregoing in the United States Bankruptcy Court for the District of Utah by using the CM/ECF system, resulting in email service on the following:

- **Troy J. Aramburu** taramburu@swlaw.com, jritchie@swlaw.com, docket\_slc@swlaw.com, awayne@swlaw.com
- **Darwin H. Bingham** dbingham@scalleyreading.net, cat@scalleyreading.net
- **Jeremy C. Sink** jsink@kmclaw.com, mcarlson@kmclaw.com
- **United States Trustee** USTPRegion19.SK.ECF@usdoj.gov
- **Melinda Willden tr** melinda.willden@usdoj.gov, Lindsey.Huston@usdoj.gov; James.Gee@usdoj.gov; Rinehart.Peshell@usdoj.gov; Rachelle.D.Armstrong@usdoj.gov; Brittany.Eichorn@usdoj.gov

**CERTIFICATE OF SERVICE – U.S. Mail**

I hereby certify that on August 17, 2021, I caused to be served a true and correct copy of the foregoing, to be served to those via 1<sup>st</sup> Class U.S. Mail postage pre-paid to those on the attached mailing matrix. Those parties desiring to receive a copy of Exhibit A can visit the court's ecf website or request a copy via email to Jeremy Sink, counsel for the Debtor at: jsink@kmclaw.com.

A copy of the motion was also emailed to the following:

Bob Brennan: [brennanholdings@gmail.com](mailto:brennanholdings@gmail.com)

Eric Clarke: [Eric.Clarke@wcattorney.com](mailto:Eric.Clarke@wcattorney.com)

Steven C. Groh, MAI: [Steven\\_groh@ios.doi.gov](mailto:Steven_groh@ios.doi.gov)

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/s/Jeremy C. Sink